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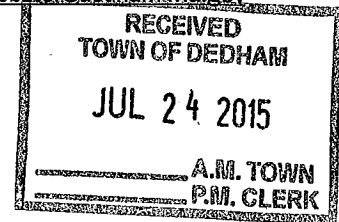
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**TOWN OF DEDHAM  
PLANNING BOARD**



**CERTIFICATE OF ACTION  
APPLICATION FOR SITE PLAN REVIEW**

**Applicant:** Ursuline Academy  
**Subject Property:** 85 Lowder Street, Dedham, MA  
**Date:** July 16, 2015

**PROJECT SUMMARY**

Ursuline Academy is the owner of the real estate known and numbered as 85 Lowder Street, Dedham, MA, and utilizes the same for a (middle and high) school. The Applicant proposes to construct a new 39,115 square foot, two-story Athletic and Convocation Center. In addition, the existing maintenance building and arts building will be demolished, and a new 4,556 square foot two-story maintenance building will be constructed. As part of the Project, vehicular circulation and parking on the south end of the school campus will be reorganized and expanded.

**BACKGROUND AND FINDING OF FACTS**

1. Ursuline Academy (hereinafter referred to as the "Applicant") is the owner of the real estate known and numbered as 85 Lowder Street, Dedham, MA (hereinafter referred to as the "Subject Property").
2. The Subject Property, shown on the Dedham Assessors' Map 106, Lot 12, contains approximately 27.6 acres of land, and has approximately 1,596 feet of frontage on Lowder Street.
3. According to the Zoning Map for the Town of Dedham, a portion of the Subject Property is located in the Single Residence A (SRA) Zoning District and the remainder is located in the Single Residence B (SRB) Zoning District.
4. The Applicant utilizes the Subject Property for operation of a (middle and high) school. Current enrollment at the school is 434 students consisting of 208 middle

school students and 226 high school students. The current total staff at the school is approximately 70 people (inclusive of teachers, administrators, maintenance, etc.).

5. The Subject Property is currently occupied by five (5) existing buildings: the main academic/school building, art center, maintenance building, a convent, and the provincialate building. The Subject Property is currently served by 183 on-site parking spaces.
6. The Applicant is proposing to construct a new two-story 39,115 square foot Athletic and Convocation Center. The building will consist of an 11,490 square foot gymnasium, lockers and bathrooms, fitness and exercise space, classroom space, storage, and a faculty lounge. The gym space will be two stories and is wrapped on the north and east with two floors of classroom and support space.
7. In addition, the Applicant proposes to demolish the existing arts center and maintenance building, and construct a new two-story 4,556 square foot maintenance building with corresponding dumpster space.
8. To connect the new building to the existing buildings, the Applicant proposes to construct a new 24 foot<sup>1</sup> driveway/internal road to connect the existing vehicular circulation at the academic building to the new Athletic and Convocation Center, convent, provincialate, and newly proposed maintenance building. The new driveway will be widened to accommodate two-way traffic and to improve access for emergency service vehicles.
9. The new driveway will exit out to Lowder Street at a location approximately 80 feet south of the existing driveway at the South End of the Subject Property.
10. The Applicant proposes to cease the use of the existing south driveway and to enclose that existing egress with material matching the existing walls.
11. Currently, there are 183 parking spaces on the Subject Property. Upon completion of the Project there will be 200 parking spaces on the Subject Property (an increase of 17 parking spaces).
12. The Project is proposed as an upgrade to existing facilities on the school campus and to provide additional programmatic elements that do not currently exist. The Project is not designed for (and the Applicant does not anticipate any) major enrollment increases beyond historical growth.
13. Per Table 3 (Dedham Parking Table) of the Dedham Zoning By-Law, middle schools are required to provide one (1) parking space per 16 students and high schools are required to provide one (1) parking space per two (2) students. Therefore, based upon current enrollment, the Applicant is required to provide 126 parking spaces<sup>2</sup>.

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<sup>1</sup> During the review process the driveway was reduced (in areas where there is no parking) from 24' to 20' wide to accommodate a new sidewalk

<sup>2</sup> Middle School: 208 students/16 = 13 required spaces

High School: 226 students/ 2 = 113 required spaces

14. As indicated above, the school campus is currently served by 183 parking spaces and will have 200 parking spaces upon completion of the Project.
15. In addition, the Applicant implements a Parking & Traffic Plan for so-called "major events" such as commencement, grandparents' day, and open house. Under the "Parking & Traffic Plan" the on-site parking is reserved for visitors, guests, and families. This is accomplished by requiring faculty and administrative staff to utilize off-site parking at Dedham Country Day School and other locations, and by parking up to 50 students on Sawyer Drive. Parking is prohibited on Lowder Street. Notices of such events are provided to abutters well in advance of the same. Historically, the "Parking & Traffic Plan" meets with great success and without any problems.
16. In addition, the Applicant proposes to reorganize and expand the existing parking bay between the proposed Athletic and Convocation Center and the Academic Building to accommodate a new sidewalk and a new handicapped accessible parking space.
17. The Applicant proposes to create an additional parking area containing 32 total spaces.
18. On May 4, 2015, the Applicant submitted the following to the Planning Board (hereinafter referred to collectively as the "Application"):
  - a. Form X: Application for Site Plan Review with Project Narrative
  - b. Owner Consent & Authorization
  - c. Project Description: Ursuline Academy New Athletic Convocation Center
  - d. Parking Analysis
  - e. Square Footage by Use of New Buildings
  - f. Lighting Specifications (4 pages)
  - g. Site Plans, dated May 4, 2015
    - i. Cover
    - ii. Existing Conditions
    - iii. Site Preparation Plan
    - iv. Layout and Materials Plan
    - v. Enlargements
    - vi. Grading Plan
    - vii. Utility Plan
    - viii. Planting Plan
    - ix. Raingarden Enlargements
    - x. Site Details
    - xi. Utility Details
    - xii. Lighting Plan
    - xiii. Plans & Elevations
    - xiv. First Floor Plan
    - xv. Second Floor

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Total = 126 required parking spaces

- xvi. Second Floor Plan – Alt A
  - xvii. Roof Plan
  - xviii. Exterior Elevations (3 pages)
  - h. Photometric Plan
  - i. Filing Fee
19. The Application was reviewed by the Planning Board and the Planning Director, and was determined to satisfy all of the submittal requirements for Minor Site Plan Review under Section 9.5 of the Dedham Zoning By-Law.
20. In accordance with Section 9.5.6 of the Dedham Zoning By-Law, upon receipt of the Application and above materials, the Planning Board distributed copies of the aforesaid plans and reports to and otherwise solicited comments from various Town of Dedham boards, departments, and officials. In addition, the Planning Board referred the matter to McMahon Associates for peer review.
21. On May 21, 2015, the Planning Director facilitated a project review meeting with Town department heads and staff, and the Applicant and its representatives to review and discuss the Project. Also present at these meetings was a representative from McMahon Associates, the Planning Board's peer review consultant. At this meeting, the Applicant was requested to submit a written parking and traffic plan.
22. On June 5, 2015, the Applicant submitted its written Parking and Traffic Plan to the Planning Director (in response to the request made at the project review meeting).
23. On June 15, 2015, McMahon Associates issued an initial peer review report on the Project. This initial peer review report identified 15 issues or concerns. On June 22, 2015, the Applicant filed a written response and revised drawings and supporting documentation to the initial peer review report. On June 24, 2015, McMahon Associates issued a second peer review report indicating the Applicant had adequately addressed all but five (5) of the originally identified issues.
24. On June 24, 2015, the Dedham Department of Infrastructure Engineering issued a memorandum commenting on the Project.
25. On June 25, 2015, the Applicant filed a written response to the McMahon Associates peer review report of June 24, 2015.
26. The Planning Board reviewed and considered the Project for Minor Site Plan Approval at its regularly scheduled meeting of June 25, 2015. Relative to said meeting, the Planning Board caused the required written notice of said meeting to be mailed to abutters to the Subject property as required by Section 9.5.6 and caused the required notice of said meeting to be posted as required by State Law and Town By-Law.
27. Present at the meeting were Planning Board Members John R. Bethoney, Chairman, Michael A. Podolski, Esq., Vice Chairman, Robert D. Aldous, Clerk, Ralph I. Steeves, and James E. O'Brien IV. Also present at the meeting on behalf of the Planning Board

was Planning Director Richard J. McCarthy, Jr., and Steven Findlen from McMahon Associates.

28. Applicant was represented at the meeting by Peter A. Zahka, II, Esq., Law Offices of Peter A. Zahka, II, P.C., 12 School Street, Dedham, MA. Also present at said meeting were Rosann Whiting, President of Ursuline Academy; Timothy Lawlor, Vice President of Ursuline Academy; Bob Corning, Principal, Stantec (Project Site/Civil Engineers and Landscape Architect); Mark Dolny, Principal, Architectural Resources Cambridge (Project Architect); and Kevin Hines, Hines Project Management, LLC (Project Manager).
29. At the meeting, Applicant and his representative were provided an opportunity to make a full presentation. This was followed by questions and comments from the Planning Board and Planning Director Richard McCarthy and peer reviewer Steve Findlen.
30. Other than some outstanding issues to be reviewed by the peer reviewer, the primary topic of discussion at said meeting was the parking and traffic plan for "major events". Specific concern was raised relative to the potential for the Applicant to host basketball and volleyball tournament games at the new Athletic & Convocation Center. In addition, Applicant was requested to provide written evidence of any arrangements for off-site parking during "major events".
31. On July 2, 2015, Applicant submitted further written responses to the peer review report from McMahon Associates.
32. On July 6, 2015, Applicant submitted written responses to the June 24, 2015, memorandum from the Dedham Department of Infrastructure Engineering.
33. On July 6, 2015, Peter A. Zahka, II, Esq., submitted a memorandum on behalf of Applicant responding to the concerns raised relative to Applicant's parking and traffic plan for "major events". Appended to said memorandum was an updated Parking & Traffic Plan as well as supporting documentation of the off-site parking arrangements with Dedham Country Day School and Xaverian Brothers High School. The memorandum also addressed the requirement for on-site parking (discussed further below).
34. On July 8, 2015, Dedham Department of Infrastructure Engineering issued an updated memorandum on its review of the Project.
35. The Planning Board again reviewed and considered the Project for Minor Site Plan Approval at its regularly scheduled meeting of July 8, 2015. Relative to said meeting, the Planning Board caused the required written notice of said meeting to be mailed to abutters to the Subject property as required by Section 9.5.6 and caused the required notice of said meeting to be posted as required by State Law and Town By-Law.

36. Present at the meeting were Planning Board Members consisting of John R. Bethoney, Chair, Michael A. Podolski, Esq., Vice Chair, Robert D. Aldous, Clerk, James E. O'Brien IV, and Ralph I. Steeves. Also present at the meeting on behalf of the Board Planning Director Richard J. McCarthy, Jr., and Steven Findlen from McMahon Associates.
37. The Applicant was represented at the meeting by Peter A. Zahka, II, Esq., Law Offices of Peter A. Zahka, II, P.C., 12 School Street, Dedham, MA. Also present at said meeting were Rosann Whiting, President of Ursuline Academy; Timothy Lawlor, Vice President of Ursuline Academy; Bob Corning, Principal, Stantec (Project Site/Civil Engineers and Landscape Architect); and Kevin Hines, Hines Project Management, LLC (Project Manager).
38. At the meeting, the Applicant and his representative were provided an opportunity to make a full presentation. This was followed by questions and comments from the Planning Board, Planning Director Richard J. McCarthy, Jr., and peer reviewer Steven Findlen.
39. It was noted at said meeting (and addressed in the July 6, 2015, memorandum from Attorney Zahka) that the Building Commissioner has opined that the Applicant may need to provide additional parking based upon the seating capacity of the proposed Athletic & Convocation Center. The Applicant submitted that it has adequately addressed its parking needs in the Parking & Traffic Plan.
40. Also addressed at said meeting were the comments in the July 8, 2015, memorandum from the Department of Infrastructure Engineering. Specifically, the Planning Board agreed with the Applicant's request to provide the Department of Infrastructure Engineering with plans tied to NAD83 and NAVD88 as part of Applicant's submission of "as built" plans. In addition, the Department of Infrastructure Engineering raised concerns with the Applicant's proposed drainage design (pipe, cover, slopes, and materials), which were not raised during the Conservation Commission's review of the stormwater permit application for the Project. The Planning Board noted that it relies upon and defers to the Conservation Commission with respect to drainage design.
41. The Applicant also submitted as memorandum requesting the following **WAIVERS** from the provisions of the Dedham Zoning By-Law:
- a. A **WAIVER** from the parking lot design standards and the landscaping provisions set forth in Sections 5.1.7 and 5.2 of the Dedham Zoning By-Law, respectively, with respect to the existing parking areas on the school campus not impacted by the Project. *[Reasoning: The existing parking area has worked without issue and is not impacted by the Project.]*
  - b. A **WAIVER** from the parking space requirement set forth in Section 5.1.4 of the Dedham Zoning By-Law to allow the school campus to be served by 200 parking spaces. *[Reasoning: It is the Applicant's position that under the Dedham Zoning By-Law, the parking space requirement for the school campus*

*is calculated based upon the number and age of students. As such, the parking requirement is 126 parking spaces. Recently, the Building Commissioner has opined that additional spaces are required based upon the occupancy of the proposed Athletic & Convocation Center as an "assembly use." Assuming arguendo that such is the case, an additional 212 spaces would be required for the 635 seat Center. This would bring the parking space requirement to 338. With the exception of student assemblies (and one or two other events a year), the Center is utilized when the school is not in session. Therefore, the entire 200 parking spaces are available. In addition, the Applicant has submitted a detailed "Parking & Traffic Plan" that addresses the potential need for any additional space (including arrangements for parking at other facilities).*

- c. A **WAIVER** from the interior landscape requirement set forth in Section 5.2.2.2 of the Dedham Zoning By-Law. *[Reasoning: Applicant's parking lot is well screened by heavy vegetation along Lowder Street and around the perimeter of the campus.]*
- d. A **WAIVER** from the aisle (driveway) width requirement set forth in Section 5.1.7.2 of the Dedham Zoning By-Law to allow the driveway (aisle) to the maintenance building and provincialate to have a width of 14 feet *[Reasoning: This driveway is not open to the general public and is being signed accordingly.]*

#### **DECISION**

At the meeting duly held on July 8, 2015, after discussion, the Planning Board, consisting of John R. Bethoney, Chair, Michael A. Podolski, Esq., Vice Chair, Robert D. Aldous, Clerk, James E. O'Brien IV, and Ralph I. Steeves, voted unanimously (5-0), to approve and grant the following **WAIVERS**:

- a. A **WAIVER** from Dedham Zoning By-Law Sections 5.1.7 and 5.2 (Parking Lot Design Standards and the Landscaping Provisions, respectively) with respect to the existing parking areas on the school campus not impacted by the Project.
- b. A **WAIVER** from Dedham Zoning By-Law 5.1.4 (Parking Space Requirement) to allow the school campus to be served by 200 parking spaces.
- c. A **WAIVER** from Dedham Zoning By-Law 5.2.2.2 (Interior Landscape Requirement).
- d. A **WAIVER** from Dedham Zoning By-Law 5.1.7.2 (Driveway Width Requirement) to allow the driveway (aisle) to the maintenance building and provincialate to have a width of 14 feet.

At the meeting duly held on July 8, 2015, after discussion, the Planning Board, consisting of John R. Bethoney, Chair, Michael A. Podolski, Esq., Vice Chair, Robert D. Aldous, Clerk, James E. O'Brien IV, and Ralph I. Steeves, voted unanimously (5-0), to approve the Application for Site Plan Review on the following terms and conditions:

1. Subject to the Conditions contained herein, the Project shall be substantially constructed in accordance with the Record Plans listed on Exhibit A attached hereto and incorporated herein by reference.
2. In the event of an emergency, the Applicant shall allow the Dedham DPW or the Dedham Westwood Water District, as may be appropriate, access to the sewer and water lines on the Subject Property for repair purposes.
3. Dumpsters located on the Subject Property shall be screened by opaque screening that is constructed and maintained in strict compliance with all Dedham Zoning Bylaws and all Board of Health Regulations.
4. Members of the Planning Board and the Planning Director shall be permitted access to the project site during construction with proper notification to the applicant subject to applicable safety requirements as established by the Applicant or its Contractor. Proper notification shall be through the construction process or shall be through the emergency call number of the applicant's representative in case of emergency or off-hours situations.
5. The site lighting will be checked by the Planning Board and/or its agent prior to an occupancy permit being granted in order verify adequacy of the lighting levels on and off site, and whether or not off-site glare has been created. If necessary, the Applicant shall adjust the lighting levels prior to an occupancy permit being issued.
6. The Applicant agrees that, no later than one year from the date of this certificate of action, it shall file a written report with the Planning Director detailing the progress of the Project, compliance with all terms and conditions of this certificate, and the expected completion date. The Planning Board reserves the right to require the applicant to appear before the Planning Board to further discuss and review compliance with this certificate of action.
7. The Planning Director will be contacted by the Applicant upon completion of the Project to verify that the Project has been completed in full compliance with the specifications of the modified plan as submitted and approved in this Certificate of Action prior to any occupancy permit being issued, including a certification by the Applicant's engineer that the Project has been constructed according to said plans. A compliance letter will be issued forthwith once found to be properly completed.
8. Following construction of the Project, the Applicant shall provide an "as-built" site plan tied horizontally to NAD83 and vertically to NAVD88 to the Planning Board, the Building Department, the Department of Infrastructure Engineering, and the Board of Assessors prior to the issuance of the final certificate of occupancy for buildings in the Project in accordance with applicable regulations.
9. The "Parking & Traffic Plan" (attached to the July 6, 2015, memorandum of Attorney Zahka) is incorporated herein by reference and shall be implemented for all "major events."



10. The Applicant shall provide the Planning Board with a copy of the Order of Conditions and Operation and Maintenance Plan approved by the Dedham Conservation Commission, which is hereby incorporated by reference. The plans that are hereby incorporated by reference by the Conservation Commission shall be the same plans the Planning Board endorses.
11. All invoices generated by the Board's peer reviewers during the Application stage shall be paid prior to the issuance of any building permits or occupancy certificates.
12. All municipal taxes and fees shall be paid in full and all taxes accounts shall be in good standing prior to the issuance of any building permit.

Dated: July 23, 2015

By the Planning Board:

  
Robert D. Aldous, Clerk